

September 20, 2012

The Common Council met as the Water Utility Board at 7:00 pm on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Shelton, Fuelling, Curtis, and Higgins attending. Board member Hoehn was not present. Others attending were Supt. Gray; Attorney Higgins; Chief Dixon; Nancy Sexton; Robby Rowland; Andy Myzak and Tim Martin – Myzak Palmer; Larry Williams; Matt Walls, Mike Burris, and Jim Williams – Bernardin Lochmueller; Ed Adams; Sara Manifold – Mount Vernon Democrat; and arriving during the meeting, Supt. Givens and Chief Beloit.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Fuelling moved the claims presented be allowed for payment. Seconded by Board member Shelton.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the report of the Water Chairman.

Water Chairman Curtis stated he has no report.

Supt. Gray stated the dam on the bluff to the river in completed and they did not have to drive as deep as they thought. At about 45' they hit hard limestone, a pretty sizeable shelf. Excavation started today and they should be done in a week from Friday. He concluded by stating everything else in running according to schedule.

Supt. Givens arrived at the meeting.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker asked if there were any Legals for consideration ?

Attorney Higgins replied they have information before them concerning the IURC.

Chief Beloit arrived at the meeting.

Attorney Higgins continued by stating Mount Vernon is out of the Indiana Utility Regulatory Commission and they have been since before 1989. Because of that, rates are a local decision. A new law has gone into effect that after March 31, 2012, if different rates are adopted in or out of the city limits, the city will now be required to file that with IURC – unless a petition is filed to forgo

that process. She also stated there are stipulations with that, one being that the surcharge for out of city limit customers can not be more than 50% (the city's is 25%). Scott Miller with Umbaugh will file this, if Board approves, before the September 30 deadline.

Board member Curtis stated the city meets the criteria, he feels they should pass the petition. He then moved Mayor Tucker be authorized to sign the petition and that it be submitted for filing.

Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Shelton – yes; Fuelling – yes; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried.

Attorney Higgins stated they also need to set an Executive Session to discuss a legal matter. She suggested before the next Utility Board meeting on October 4 at 6:30 pm.

Board concurred.

Mayor Tucker asked if anyone on the Audience wished to address the Board ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Shelton moved the meeting be adjourned. Seconded by Board member Higgins.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Shelton, Fuelling, Curtis, and Higgins attending. Board member Hoehn was not present. Others attending were Supt. Gray; Attorney Higgins; Chief Dixon; Nancy Sexton; Robby Rowland; Andy Myzak and Tim Martin – Myzak Palmer; Larry Williams; Matt Walls, Mike Burris, and Jim Williams – Bernardin Lochmueller; Ed Adams; Sara Manifold – Mount Vernon Democrat; Supt. Givens and Chief Beloit.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilwoman Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairman Fuelling stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairwoman Shelton stated she has no report.

Chief Beloat stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairwoman Higgins stated she has no report.

Chief Dixon stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairman Hoehn was not present.

Supt. Givens stated they opened bids today at the Board of Works on the bridge project on old Hwy 62. The prices were reasonable and the bids are under review and they will go from there.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.

Attorney Higgins stated the first item is the final reading of the Ordinance Establishing Salaries and Wages for the Appointed Officers and Employees of the City of Mount Vernon for the Year Ending December 31, 2013.

Councilman Curtis moved the ordinance pass on final reading. Seconded by Board member Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton – yes; Fuelling – yes; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Sitzman added it will be numbered 12-17.

Attorney Higgins stated the next item is a Public Hearing on the 2013 Budget, as duly advertised. Mayor Tucker stated he will open this up to the floor for any comment. He stated this money is for the city to operate on in 2013. The Public Hearing was opened at 7:16 pm. He then asked if anyone wished to address the Public Hearing ?

Nancy Sexton approached and stated she spoke with Clerk-Treasurer Sitzman before the meeting and she helped her understand more of what this all is. She then asked what the increase of this budget is over last year ?

Clerk-Treasurer Sitzman replied budget itself is less – budgets were submitted as cut by DLGF earlier in the year – and there were no raises.

Ms. Sexton asked if they are asking for more money ?

Clerk-Treasurer Sitzman replied the rate is 22.5% higher than last year's certified rate, but that all has to do with certified assessed valuations, etc., which would change. She added the actual levy is 3.79% higher than last year. Last year the city advertised to raise \$3.2M in taxes and for 2013 it is \$3.3M.

Ms. Sexton then asked about the salary ordinance that was just passed. Are those numbers in here anywhere ?

Clerk-Treasurer Sitzman replied yes, all salaries with the exception of the water and sewer, as included in the advertised budget figures.

Mayor Tucker asked if there were any other questions ?

There were none.

Mayor Tucker then closed the public hearing at 7:24 pm. He asked the Council's wishes.

Councilman Curtis moved the ordinance of Appropriations and Tax Rates for the City of Mount Vernon for the Year Ending December 31, 2012 pass second reading. Seconded by Councilwoman Shelton.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton – yes; Fuelling – yes; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated the next item is a first reading of an ordinance to vacate the south half of the north/south alley between Main and Water for the Landing Project. She stated the petition has been filed and the certified mailings are in hand. She added the petitioners are present as well.

Andy Myzak and Tim Martin approached the podium and Mr. Myzak stated The Landing will now front Water Street and be built on top of said alley.

Attorney Higgins stated they will have a public hearing on the vacation October 4.

Mr. Myzak stated after approval they will have closing and construction will start the end of October or the first of November.

Councilwoman Higgins stated she is planning a "salute to the armory building" and wondered if she needed to put a rush on that ?

Mr. Myzak replied no, no rush. Most of the work on will be on Water Street at first.

Mayor Tucker added the rendering has changed to face more on the Water Street side and they are also in the process of acquiring the Cox Winiger property.

Mr. Martin added this will allow for a significant increase in parking. The code requires 50 spaces and there will be 81 when completed.

Attorney Higgins asked if they attended the Board of Zoning Appeals meeting today ?

Mr. Myzak replied yes and they approved the special use.

Councilwoman Higgins asked about a completion date ?

Mr. Myzak replied December 31, 2013 – HAS TO BE.

Councilman Curtis moved the Ordinance to Vacate pass on first reading. Seconded by Councilwoman Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton – yes; Fuelling – yes; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins added they may request 2nd and 3rd readings at the next meeting.

Attorney Higgins stated the next item is an Ordinance Updating, Restating, and Recodifying Title IX – General Regulations, Chapter 91 – Animals. She added it is an entirely new Animal Control chapter.

Councilman Curtis stated in section 91.08 on total number of each – like four dogs and 4 cats ?

Attorney Higgins replied for a total in the home of 8 – that is in section 91.03 (d). She further stated there is no increase in fees or fines.

Councilwoman Higgins moved the Ordinance pass first reading. Seconded by Councilwoman Shelton.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton – yes; Fuelling – yes; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins next is a Resolution Directing Payments in Lieu of Annexation to be Deposited into the City's General Fund. She stated these payments currently go into the Rainy Day fund and come from GAF and Countrymark. She added the income for 2013 will be \$79,096.00. She reminded Council that 2013 is the last year under the current agreements with GAF and Countrymark and they will be getting together soon to work on those.

Councilman Curtis moved the Resolution pass. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton – yes; Fuelling – yes; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Sitzman replied it will be numbered 12-18.

Attorney Higgins stated the next item is an Ordinance Authorizing a Blanket Bond of Criminal Insurance Policy. She added a new law went into effect that authorizes this blanket bonding and should save the city money as they will not have to be buying individual bonds.

Councilman Fuelling moved the ordinance pass on first reading. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton – yes; Fuelling – yes; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated she now needs Council to approve submission and filing of the IURC petition on behalf of the Sewage Utility.

Councilman Curtis moved they approve the petition for the Sewage Utility. Seconded by Councilwoman Shelton.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton – yes; Fuelling – yes; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

Matt Walls approached and stated he is with BLA and they did the design work on the West Storm Water Project. They had some problems down there Monday with the four to five inch rain the city received. He stated the project was not a conventional storm water project as there was no viable option so they went with a series of rain gardens, which would sustain a 10 year storm event. The rain Mount Vernon had on Monday exceeded that storm event. He added they had expected the school yard flooding, but there was a surplus of dirt that should have been removed. The contractor wanted the dirt used on site and the school district agreed, therefore, there was no formal change order.

Mr. Martin and Mr. Myzak left the meeting.

Mr. Walls continued by stating the way it was placed diverted the water to the north to the trailer park, and compounded the normal problem. He added they are now going back to the contractor to remedy the situation and they will get it taken care of so that magnitude of problem does not happen again.

Councilwoman Higgins asked how long the project has been complete ?

Mr. Walls replied they are completely finished, and they are still holding out some of the contractor's money. He believes there is still some planting to do. It was substantially complete in mid July.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if anyone else in the Audience wished to address the Council ?

Mike Burris approached and stated he is an inspector with BLA and he was supposed to update the Council on what is happening at the sewer plant. He stated all he can say is come to the plant and see it ! He continued by stating one of the clarifiers is done, an aeration tank is done, the administration building with garage is 80% done and the headworks is progressing. He invited Council out anytime, even after hours. They are shooting for completion date of December 17, 2012. He then asked if there were any questions ?

There were none.

Mayor Tucker asked if anyone else in the Audience wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

Larry Williams stated this past River Days was the most fabulous event in his 21 years in Mount Vernon. It was a fantastic River Days. With the parade and fireworks, that is the most people he has seen in downtown. He can not say enough good. Hats off to the City and the Council for a job well done.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Shelton stated she has no report.

2nd District Councilman Fuelling stated he has no report.

3rd District Councilman Hoehn was not present.

4th District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated she has no report.

Mayor Tucker stated he is in the process of putting back together the Mount Vernon Economic Development Board, of which Councilman Hoehn and Councilwoman Shelton are members, along with Larry Williams, Mike Ashworth, Judy Winiger and Brian Jeffries. They will be required to meet once a year but he hopes to do more than that. He added he will be going after annexation and TIF. He thanked everyone for their service on this Board.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn. Councilwoman Higgins moved the meeting be adjourned. Seconded by Councilwoman Shelton. Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer